

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-21274 (NEW SERIES)

DATE OF FINAL PASSAGE DECEMBER 9, 2020

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 3 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING NEW DIVISION 11, SECTIONS 143.1101, 143.1102, AND 143.1103, RELATING TO MOBILITY CHOICES REGULATIONS.

Article 3: Supplemental Development Regulations

Division 11: Mobility Choices Regulations

§143.1101 Purpose of Mobility Choices Regulations

The purpose of the Mobility Choices Regulations is to reduce Citywide vehicle miles traveled (VMT) to address the environmental impacts of *development* related to noise, air pollution, and greenhouse gas emissions, and to promote public health and enjoyment, by investing in active transportation infrastructure and amenities that will result in the greatest reductions to Citywide VMT.

§143.1102 When Mobility Choices Regulations Apply

The Mobility Choices Regulations apply to any *development* for which a Building Permit is issued, except:

- (a) Residential *development* with four or fewer *dwelling units*;
- (b) Any commercial or office *development* with less than 5,000 square feet *gross floor area*;

- (c) Development located on property owned, leased, or maintained by the City where the City is the *applicant* or where a private party is the *applicant* acting on behalf of the City, that is a locally-serving public facility, as defined in the Land Development Manual, Transportation Study Manual, Appendix R;
- (d) Development located within a one-half mile pedestrian walk to an existing passenger rail station;
- (e) Development located in Mobility Zone 1;
- (f) Industrial Uses, as defined in the Land Development Manual, Transportation Study Manual (Appendix B), located within Prime Industrial Lands;
- (g) Multi-family residential development in a Transit Priority Area that provides the transportation amenities required by Section 142.0528; and
- (h) Development that does not require a Certificate of Occupancy.

§143.1103 Mobility Choices Requirements

- (a) For the purposes of this Division, Mobility Zones shall be defined as follows:

 - (1) Mobility Zone 1 means the Downtown Community Planning Area.
 - (2) Mobility Zone 2 means any premises located either partially or entirely in a Transit Priority Area.
 - (3) Mobility Zone 3 means a community planning area boundary with a VMT efficiency that is 85 percent or less of the regional average

for either resident VMT per capita or employee VMT per employee, as determined by the City Manager.

(4) Mobility Zone 4 means any area not located within Mobility Zone 1, Mobility Zone 2, or Mobility Zone 3.

(5) Where a *premises* is located in two or more Mobility Zones, the entire *premises* shall be subject to the regulations applicable to the lowest Mobility Zone.

(6) Where *development* is located within a Specific Plan area, where the Specific Plan was adopted prior to July 1, 2020, any portion of the *development* located within the Specific Plan area shall be subject to the regulations applicable to the lowest Mobility Zone included within the Specific Plan area.

(b) Except as provided in Section 143.1103(b)(5) or (b)(6), all *development* located within Mobility Zone 2 or Mobility Zone 3 shall provide VMT Reduction Measures in accordance with Land Development Manual. Appendix T as follows:

(1) *Development* in Mobility Zone 2 shall include VMT Reduction Measures totaling at least 5 points.

(2) *Development* in Mobility Zone 3 shall include VMT Reduction Measures totaling at least 8 points.

(3) A notice describing the VMT Reduction Measures provided shall be posted in a prominent and accessible common area of the *development* where it can easily be seen by residents and the

public. The notice shall include the responsible party contact information and a statement that the VMT Reduction Measures are required pursuant to the San Diego Municipal Code and to the satisfaction of the Development Services Department. The notice shall be in the form required by Land Development Manual, Appendix T.

- (4) The types of VMT Reduction Measures that shall be used to satisfy the requirements in Section 143.1103(b) are included in Land Development Manual, Appendix T. VMT Reduction Measures that also satisfy other *development* regulations may be used to satisfy the requirements in Section 143.1103(b).
- (5) In lieu of providing the VMT Reduction Measures in Section 143.1103(b)(1) or (2), the *applicant* may pay the Active Transportation In Lieu Fee referenced in Section 143.1103(c).
- (6) *Development* in Mobility Zone 3 that provides more than the minimum parking required in Chapter 14, Article 2, Division 5 shall not be required to provide the VMT Reduction Measures in Section 143.1103(b)(2), but shall pay the Active Transportation In Lieu Fee referenced in Section 143.1103(c).
- (c) Unless exempt under Section 143.1103(c)(2), (3), (4), or (5) all *development* in Mobility Zone 4 shall pay an Active Transportation In Lieu Fee, as adopted by City Council resolution.

- (1) The Active Transportation In Lieu Fee shall be used to fund active transportation and VMT-reducing infrastructure projects located within Mobility Zone 1, Mobility Zone 2, or Mobility Zone 3 to reduce Citywide VMT.
- (2) Locally-serving *development*, as identified in Land Development Manual, Appendix T, and located in Mobility Zone 4, is exempt from the Active Transportation In Lieu Fee in Section 143.1103(c), but shall provide VMT Reduction Measures that reduce VMT in accordance with Section 143.1103(b)(2).
- (3) For residential *development* in Mobility Zone 4, affordable *dwelling units* that are deed restricted at or below 120 percent of the area *median income*, as defined in Section 143.0720, are exempt from the Active Transportation In Lieu Fee in Section 143.1103(c).
- (4) *Development* in Mobility Zone 4, where any portion of the *development* is located within a census tract that is 85 percent or less of the regional average for either resident VMT per capita or employee VMT per employee, as applicable to the *development*, as determined by the City Manager, is exempt from the Active Transportation In Lieu Fee in Section 143.1103(c), but shall provide VMT Reduction Measures that reduce VMT in accordance with Section 143.1103(b)(2).

(5) Development in Mobility Zone 4 that includes the design and construction of active transportation and VMT-reducing infrastructure located within Mobility Zone 1, Mobility Zone 2, or Mobility Zone 3 that reduces the *development*, required regional average reduction for either resident VMT per capita or employee VMT per employee, as applicable to the *development* and as determined by the City Manager, is exempt from the Active Transportation In Lieu Fee in Section 143.1103(c) for the VMT that is reduced by the active transportation and VMT-reducing infrastructure, if the City Manager determines all of the following requirements are satisfied:

- (A) The active transportation and VMT-reducing infrastructure is a pedestrian, bicycle, or transit that does not accommodate additional vehicular traffic.
- (B) The active transportation and VMT-reducing infrastructure is located within a Community Planning Area that includes a Community of Concern, as determined by the City Manager.
- (C) The *applicant* substantially completes the active transportation and VMT-reducing infrastructure to the satisfaction of the City Engineer at no cost to the City. For purposes of this section, the active transportation and VMT reducing infrastructure is substantially completed if it is 90

percent complete to the satisfaction of the City Engineer,
and an adequate performance bond, as determined by the
City Engineer, has been provided to the City.

(D) The *applicant* completes the active transportation and
VMT-reducing infrastructure prior to issuance of any
building permit, or request for final inspection for any
portion of the *development*, provided the *applicant* enters
into a Fee Deferral Agreement pursuant to Section
142.0640.

(6) If an *applicant* completes the active transportation and VMT-
reducing infrastructure that meets the requirements in Section
143.1103(c)(5) and would reduce more than the *development's*
required VMT reduction provided in Section 143.1103(c), the City
Manager may grant VMT reduction credits to the *applicant* upon
completion of the active transportation and VMT-reducing
infrastructure. The VMT reduction credits expire within 5 years
from the issuance of the credits. The VMT reduction credits may
be assigned to other *development* within the City or may be used to
offset another *development's* Active Transportation In Lieu Fee.

CLN:als
10/19 /2020
Or.Dept: Planning
Doc. No.: 2377296_4